

ORIGINAL

ORDINANCE NO. CO-2015-33

**AN ORDINANCE AMENDING
THE NUMBER OF CLASS "B" (PACKAGE STORE) LIQUOR LICENSES
AND CLASS "I" (PACKAGE STORE – BEER AND WINE ONLY) LIQUOR LICENSES WHICH
CAN BE ISSUED IN THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS
PURSUANT TO SECTION 117.23 OF THE MAYWOOD VILLAGE CODE**

(Bond Drug Company of Illinois, LLC d/b/a Walgreens #03779 - 100 Lake Street)

WHEREAS, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) grants to the Village the power, by general ordinance or resolution, to determine, among other things, the number, kind and classification of licenses for sale at retail of alcoholic liquor not inconsistent with the Act, the amount of local licensee fees to be paid for licenses issued, and to establish such further regulations and restrictions upon the issuance of and operations under local licenses not inconsistent with law as the public good and convenience may require; and

WHEREAS, Bond Drug Company of Illinois, LLC d/b/a Walgreens #03779 ("Walgreens"), the lease holder of the retail drug store site at 100 Lake Street, has filed an application requesting to change its current Class "B" (Package Store) Liquor License to a Class "I" (Package Store – Beer and Wine Only) Liquor License for purposes of allowing retail package sales of beer and wine only at that store. In 2011, Walgreens received approval of and was issued a Class "I" (Package Store – Beer and Wine Only) Liquor License by the Village of Maywood and its Local Liquor Control Commissioner to sell beer and wine at the 100 Lake Street store. In 2012, Walgreens received approval of and was issued a Class "B" (Package Store) Liquor License by the Village of Maywood and its Local Liquor Control Commissioner to sell beer, wine and spirits at the 100 Lake Street store. Walgreens currently holds a Class "B" (Package Store) Liquor License for the 100 Lake Street store. Walgreens has been a responsible seller of alcoholic liquor beverages in the Village.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: Pursuant to Chapter 117 (Alcoholic Beverages), Section 117.23(l) (Class "I" (Package Store – Beer and Wine Only) Liquor License) of the Maywood Village Code, the number of Class "I" (Package Store – Beer and Wine Only) Liquor Licenses which can be issued in the Village of Maywood shall be increased by one (1) for the sole purpose of issuing a Class "I" (Package Store – Beer and Wine Only) Liquor License to the Bond Drug Company of Illinois, LLC d/b/a Walgreens #03779 to allow the package sales of beer and wine only at the retail drug store located at 100 Lake Street, Maywood, Illinois, SUBJECT TO THE CONDITONS SET FORTH BELOW IN SECTION 4.

SECTION 3: The Corporate Authorities of the Village of Maywood authorize the Local Liquor Commissioner to issue a Class "I" (Package Store – Beer and Wine Only) Liquor License created under Section 2 of this Ordinance to Bond Drug Company of Illinois, LLC d/b/a Walgreens #03779 for the purpose of allowing package sales of beer and wine only at the retail drug store located at 100 Lake Street, Maywood, Illinois," SUBJECT TO THE CONDITIONS SET FORTH BELOW IN SECTION 4.

SECTION 4: The issuance of a Class "I" (Package Store – Beer and Wine Only) Liquor License to Bond Drug Company of Illinois, LLC d/b/a Walgreens #03779 for the purpose of allowing package sales of beer and wine only at the retail drug store located at 100 Lake Street, Maywood, Illinois is subject to compliance with the following conditions:

A. The Local Liquor Commissioner, in his/her discretion, issues the Class "I" (Package Store – Beer and Wine Only) Liquor License to Bond Drug Company of Illinois, LLC for the purpose of allowing package sales of beer and wine only at the retail drug store located at 100 Lake Street, Maywood, Illinois.

B. Bond Drug Company of Illinois, LLC shall comply with all of the applicable provisions of Chapter 117 (Liquor) of the Maywood Village Code, as amended, including proof that the owner/licensee of the licensed establishment, on-site manager(s) and each employee has successfully passed the BASSETT program or a similar server/sale of alcoholic beverage training program.

C. Bond Drug Company of Illinois, LLC shall comply with all of the other applicable provisions of the Maywood Village Code, as amended, in the operation and maintenance of the retail drug store on the above-listed property, including but not limited to the Fire Prevention Code, the Plumbing Code, the Building Code, the Property Maintenance Code, the Illinois Accessibility Code and the Zoning Code.

D. Bond Drug Company of Illinois, LLC shall post on the exterior of the building and the interior of the building, at each entrance, signs that read "No Loitering" and shall cooperate with the Village to enforce all of its existing loitering regulations, including but not limited to Section 117.59(C) of the Maywood Village Code prohibiting liquor license holders from allowing loitering on the licensed premises, as well as all loitering regulations that may be enacted in the future. Bond Drug Company of Illinois, LLC is obligated to comply at all times with Section 117.23(I)(5) of the Maywood Village Code obligating a licensee to install and operate a video and audio surveillance system within the licensed store premises or, in the alternative, to provide a security guard on the premises during operating hours.

E. The issuance of the Class "I" (Package Store – Beer and Wine Only) Liquor License is contingent upon Bond Drug Company of Illinois, LLC providing a completed liquor license application to the Village for each of its on-site manager(s) for the Walgreens #03779 store, and the manager(s) shall submit to a background check by the Village, all as required by the Village Code. The Village-approved on-site manager(s) must be physically present in the retail drug store at all times that package sales of beer and wine are being offered for sale to the public. The supplemental application and successful completion of the background check for the on-site manager(s) must be completed prior to the issuance of a liquor license.

SECTION 5: Upon approval of this Ordinance, the number of Class "B" (Package Store) Liquor Licenses which can be issued in the Village of Maywood shall be decreased by one (1) to reflect the termination of the Class "B" (Package Store) Liquor Licenses that was

approved for and issued to the Bond Drug Company of Illinois, LLC d/b/a Walgreens #03779 to allow the package sales of alcoholic liquor at the retail drug store located at 100 Lake Street, Maywood, Illinois pursuant to Chapter 117 (Alcoholic Beverages), Section 117.23(B) (Class "B" (Package Store) Liquor License) of the Maywood Village Code.

SECTION 6: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 7: Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 8: Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 9: This Ordinance shall be in full force and effect from and after its adoption, approval, and publication in pamphlet form as provided by law.

ADOPTED this 15th day of December, 2015, pursuant to a roll call vote as follows:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

NAYS: None

ABSENT: None

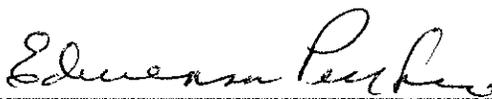
APPROVED by the Village President, and attested to by the Village Clerk on the same day, on the 16th day of December, 2015.

ATTEST:



VILLAGE CLERK





VILLAGE PRESIDENT

Published by me in pamphlet form this 16th day of December, 2015.



VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS.

CLERK'S CERTIFICATE

I, Viola Mims, the duly elected, qualified, and acting Village Clerk of the Village of Maywood, Cook County, Illinois, certify that attached hereto is a true and correct copy of the Ordinance now on file in my office, entitled:

ORDINANCE NO. CO-2015-33

AN ORDINANCE AMENDING
THE NUMBER OF CLASS "B" (PACKAGE STORE) LIQUOR LICENSES
AND CLASS "I" (PACKAGE STORE – BEER AND WINE ONLY) LIQUOR LICENSES
WHICH CAN BE ISSUED IN THE VILLAGE OF MAYWOOD, COOK COUNTY,
ILLINOIS PURSUANT TO SECTION 117.23 OF THE MAYWOOD VILLAGE CODE

(Bond Drug Company of Illinois, LLC d/b/a Walgreens #03779 - 100 Lake Street)

which was passed by the Board of Trustees of the Village of Maywood at a Regular Board Meeting held on the 15th day of December, 2015, at which meeting a quorum was present, and approved by the President of Maywood on the 16th day of December, 2015.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Maywood was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Maywood, and that the result of the vote was as follows, to wit:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

NAYS: None

ABSENT: None

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 16th day of December, 2015.

SEAL



By: _____


Village Clerk